IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15947 of 2005

Between:

Valluri Abinav, S/o Madhusudan Rao, aged: 21 years residing at United States of America being represented by his General Power of Attorney Smt. Valluri Hemalatha, W/o Madhusudan Rao, aged about 45 years, residing at Door No.8-3-678/42/22, Plot No.22, Navodaya Colony, Yellareddigudem, Hyderabad.

……Petitioner

AND

The Special Officer and Competent Authority, Urban Land Ceiling Governorpet, Vijayawada-2.

…...Respondent

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one under Writ of Mandamus, declaring the action of the respondent as arbitrary and ultravires to the provisions of Article 14 of the Constitution of India, besides directing the respondent to consider the representation submitted on behalf of the petitioner dated 18.06.2005 and 04.07.2005 before passing any orders in C.C.Nos:2607/80, 2660/80, 2660/81, 2658/81 and 2659/81 of the respective declarants.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

***ORAL ORDER*:**

This writ petition is filed seeking a declaration that the action of the respondent is arbitrary and ultravires to the provisions of Article 14 of the Constitution of India, besides directing the respondent to consider the representation submitted on behalf of the petitioner dated 18.06.2005 and 04.07.2005 before passing any orders in C.C. Nos: 2607/80, 2660/80, 2660/81, 2658/81 and 2659/81.

The case of the petitioner is that the joint family of late Kesavarao consisting himself and his four sons having possessed vast extents of the properties, entered into a registered partition deed dated 30.05.1970, which was registered as document No.2201 of 1970 in the office of the Sub-Registrar, Vijayawada. Subsequently they purchased some properties and sold some of them. There was a re-partition of the joint family properties pursuant to which a partition list was prepared on 16.09.2002, which is signed by all the parties. The petitioner filed O.S.No.13 of 2005 on the file the learned II Additional District Judge, Vijayawada for grant a decree and judgment in his favour for partition of the plaint A-schedule properties into three equal shares and to allot one such share in his favour and in respect of B-schedule properties into 12 equal shares and to allot one such share in his favour. Along with the suit, the petitioner filed I.A.No.980 of 2005 for grant of temporary injunction restraining the respondent therein from demolishing the constructions. After considering the material available on record, the learned Additional District Judge granted interim injunction through an order, dated 21.02.2005. The petitioner further contend that they filed separate individual declarations before the respondent relying upon the

recitals of the partition dated 30.03.1970 for the purpose of computation of their respective holdings, i.e., C.C. Nos: 2607 of 1980, 2660 of 1981, 2658 of 1981 and 2659 of 1981. The petitioner has already submitted his representations dated 18.06.2005 and 4.7.2005 to consider his case while disposing the C.C.Nos: 2607 of 1980, 2660 of 1981, 2658 of 1981 and 2659 of 1981, pending consideration on the file of the respondent.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue.

Having regard to the facts and circumstances of the case, I am not satisfied to grant relief for the reason that it is not known at this point of time whether the respondent is receiving applications for consideration along with C.Cs or not. If the respondent does not consider the representations filed by the petitioner, it is always open to him to assail the order. Therefore, I see no reason to pass any orders in this writ petition.

Writ petition is dismissed. No order as to costs.

22.07.2005

MRKR

To

1. The Special Officer and Competent Authority, Urban Land Ceiling Governorpet, Vijayawada-2.
2. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.
3. **Two C.D.copies.**